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Attorney for Plaintiff
WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY,)	
)	Civ. No. 07 CV-0172 SOM-LEK
Plaintiff,)	(Copyright)
)	
vs.)	DECLARATION OF TIMOTHY J.
)	HOGAN; EXHIBITS "1" TO "3"
DEUTSCHE BANK TRUST)	
COMPANY AMERICAS (FKA)	
BANKERS TRUST COMPANY)AND)	
JP MORGAN CHASE BANK IN)	
THEIR SEPARATE CAPACITIES)	
AND AS AGENTS FOR THE PRE)	
AND POST-PETITION LENDERS OF))	
FLEMING COMPANIES, INC. Et al.,))	
)	
)	
Defendants.)	
_____)	

DECLARATION OF TIMOTHY J. HOGAN

I, TIMOTHY J. HOGAN, am an attorney licensed to practice before all the courts of the State of Hawaii and I make this declaration under penalty of perjury.

All the statements here in are true and correct to the best of my knowledge, information and belief. If called upon to testify upon the matters herein I am competent and willing to do so.

1. Attached hereto as Exhibit “1” is a true and correct copy of the Verified Complaint in *Wayne Berry v. Fleming Companies, Inc.* CV01-00185 SPK-LEK, filed on July 3, 2001.

2. Attached hereto as Exhibit “2” is a true and correct copy of an excerpt from the, Bk. No. 03-10945 (MFW) (Bankr. Del.) docket that was obtained on-line vi *In re Fleming Companies, Inc.* a the Court Appointed Claims-Bankruptcy management firm BMC Group. Upon information and belief the all of these docket entries are available on the US Courts’ PACER service for a fee.

3. Attached hereto as Exhibits “3” is a true and correct copy of the Order Denying Defendants’ Motion for Summary Judgment etc. filed on October 21, 2005 in *Wayne Berry v. Hawaiian Express Service, Inc.*, CV 03-385 SOM-LEK Docket No. 653.

Executed at Honolulu, Hawai'i, July 19, 2007.

/S/Timothy J. Hogan
TIMOTHY J. HOGAN